

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KIM MARTINEZ,

Plaintiff,

v.

SPRUCE HOLDINGS, LLC,

Defendant.

Case No. 1:21-cv-000739-AWI-SAB

ORDER REQUIRING DEFENDANT TO
FILE RESPONSIVE PLEADING

SEVEN DAY DEADLINE

On February 4, 2021, Kim Martinez, individually and as successor in interest to the Estate of Bonnie Van Tassel ("Plaintiff"), filed this action in the Tulare County Superior Court against Spruce Holdings, LLC ("Defendant"). (ECF No. 1-3.) Defendant asserts that it was served with the complaint on April 9, 2021. (ECF No. 1 at 3.) On May 7, 2021, Defendant removed the action to the Eastern District of California. (ECF No. 1.)

Pursuant to the Federal Rules of Civil Procedure, "[a] defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods: (A) 21 days after receiving--through service or otherwise--a copy of the initial pleading stating the claim for relief; (B) 21 days after being served with the summons for an initial pleading on file at the time of service; or (C) 7 days after the notice of removal is filed." Fed. R. Civ. P. 81(c)(2)."

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1 Defendant's notice of removal does not include an answer filed in the state court.
2 Accordingly, IT IS HEREBY ORDERED that Defendant shall file a responsive pleading within
3 **seven (7) days** of the date of entry of this order.

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5 IT IS SO ORDERED.

6 Dated: **May 10, 2021**


UNITED STATES MAGISTRATE JUDGE